

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:) CHAPTER 13
)
JAMIE ALLEN WESTFALL AND) CASE NO. 06-60297
ANGELA ANN WESTFALL,)
) JUDGE RUSS KENDIG
Debtors.)
)
) **ORDER ON OBJECTIONS**
) **TO CONFIRMATION**
)
)

Two objections to confirmation of debtors' fourth amended plan are before the court, one filed by WFS Financial, Inc. and one filed by Nuvell Credit Corporation. The issue is whether the "hanging paragraph" in 11 U.S.C. § 1325 provides protection against bifurcation of creditors' secured claims. Both creditors and the Chapter 13 trustee submitted briefs in support of their positions on the objections.

In the corresponding Memorandum of Opinion, the court raised an issue which has not been addressed by the parties. In accordance with the Memorandum of Opinion, parties are hereby given until April 30, 2007 to submit briefs on the question presented by the court. In the absence of further briefing, the court will enter an order overruling the objections to confirmation.

It is so ordered.

/s/ Russ Kendig

Judge Russ Kendig **MAR 30 2007**
U.S. Bankruptcy Judge

Service List:

Theodore A. Konstantinopoulos
Lindsey Hall
Javitch, Block & Rathbone
1300 East Ninth St., 14th Floor
Cleveland, OH 44114-1503

Charles C. Butler
Bish, Butler & Thompson, Ltd.
1210 West High St.
Bryan, OH 43506

James F. Ciccolini
209 S. Broadway St.
Medina, OH 44256

Jamie Allen Westfall
Angela Ann Westfall
605 Township Road 150
Sullivan, OH 44880

Toby L. Rosen
Charter One Bank Building, 4th Floor
400 W. Tuscarawas St.
Canton, OH 44702